

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN and JUANA DOMINGUEZ,

Plaintiff,

No. 09-3611 EDL

v.
EXCEL MNUFACTURING, INC.,

Defendant.

ORDER REGARDING EXPERT DISCOVERY ON INDUSTRY STANDARDS; CONTINUING TRIAL AND RELATED DATES

In its case management order in this matter, the Court bifurcated expert discovery relating to industry standards and stated that: “Initial expert disclosures on the topic of industry standards shall be made no later than May 28, 2010. Rebuttal expert disclosures on the topic of industry standards shall be made no later than June 25, 2010. The deadline for deposing industry experts is July 16, 2010.” Plaintiffs made expert disclosures on May 28, but Defendant did not. Defendant erroneously understood the Court’s Order to only require Plaintiffs’ initial disclosures on May 28, and that only Defendant’s rebuttal was required on June 25.

Plaintiffs have filed a motion to compel Defendant's initial expert disclosures, and requested that the motion be heard on shortened time on June 15 in advance of the rebuttal disclosure deadline and in time to comply with the July 16 deposition deadline. In response, Defendant has filed a letter arguing that it misunderstood the Court's Order, and that Plaintiffs' motion is unnecessary to resolve the issue. Defendant's letter agrees to modify current court deadlines or allow Plaintiffs 30 days to disclose an expert in response to Defendant's rebuttal expert. Defendant also asks the Court to resolve an issue relating to expert costs and service of depositions subpoenas. Defendant states that it is unavailable for a hearing on June 15.

The Court finds that a hearing on Plaintiff's motion to compel is unnecessary and that Defendant's failure to timely disclose its expert was the result of a genuine misunderstanding of the

1 Court's Order, and hereby Orders as follows:

2 • Defendant is required to disclose its initial expert report combined with any rebuttal to
3 Plaintiff's expert report by June 25, 2010;

4 • Plaintiff shall have until July 23, 2010 for a rebuttal of Defendant's initial expert report;

5 • The deadline for deposing industry experts shall be extended until August 15, 2010;

6 • The deadline for filing dispositive motions shall be extended to August 31, 2010 and the
7 hearing on any such motion shall be no later than October 5, 2010;

8 • All parties' initial expert disclosures on all topics other than industry standards shall be made
9 no later than October 19, 2010;

10 • All parties' rebuttal expert disclosures on all topics other than industry standards shall be made
11 no later than November 2, 2010;

12 • All expert discovery shall be completed by November 16, 2010;

13 • The Pre-Trial Conference is continued to January 18, 2010, and Trial is continued to February
14 14, 2010.

15 Plaintiff's request for fees in connection with its Motion to Compel is denied.

16 The parties are Ordered to meet and confer regarding any outstanding issues relating to expert
17 costs and the service of related deposition subpoenas.

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19 IT IS SO ORDERED.

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21 Dated: June 11, 2010


22 ELIZABETH D. LAPORTE
23 United States Magistrate Judge
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